



GAIL FARBER, Director

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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ALHAMBRA, CALIFORNIA 91803-1331
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ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

August 18, 2009

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

34

AUGUST 18, 2009

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Dear Supervisors:

**GRANT OF EASEMENT
FROM THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT
TO THE TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY
SAN JOSE CREEK - PARCEL 8C
IN THE UNINCORPORATED POMONA AREA
(SUPERVISORIAL DISTRICT 5)
(3 VOTES)**

SUBJECT

This action is to approve a grant of easement from the Los Angeles County Flood Control District to The Trustees of the California State University for fiber optic conduit purposes in, on, under, and across San Jose Creek in the unincorporated Pomona area.

IT IS RECOMMENDED THAT YOUR BOARD:

1. ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT.
2. Acting as a responsible agency, find that this project is exempt from the provisions of the California Environmental Quality Act.
3. Find that the grant of easement for fiber optic conduit purposes and the subsequent use of said easement will not interfere with the use of San Jose Creek for any purpose of the Los Angeles County Flood Control District.
4. Approve the grant of easement for fiber optic conduit purposes from the Los Angeles County Flood Control District to The Trustees of the California State University in, on, under, and across San Jose Creek, Parcel 8C, in the unincorporated Pomona area, for \$8,400.
5. Instruct the Chairman to sign the Easement document and authorize delivery to The Trustees of the California State University.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to obtain your Board's approval to grant an easement for fiber optic conduit purposes in, on, under, and across San Jose Creek, Parcel 8C, in the unincorporated Pomona area, from the Los Angeles County Flood Control District (LACFCD) to The Trustees of the California State University (Trustees). The easement will provide access to connect the library at California State Polytechnic University Pomona (CSU) with existing fiber optic cables within Kellogg Park Drive for necessary data communication enhancements.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Operational Effectiveness (Goal 1). The revenue from this transaction will help promote fiscal sustainability for the operation and maintenance of flood control facilities.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The cost of the easement in the amount of \$8,400 represents the fair market value. This amount has been paid and deposited into the Flood Control District Fund.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

San Jose Creek, Parcel 8C, in the unincorporated Pomona area, separates CSU and a residential tract of homes near the intersecting streets of Hennipen Street and Kellogg Park Drive, in the City of Pomona. The Trustees requested this easement to provide the needed and enhanced communication services for the University.

The grant of easement is authorized by Section 2, Paragraph 13, of the Los Angeles County Flood Control Act. This Section provides as follows: "Said Los Angeles County Flood Control District is hereby declared to be a body corporate and politic, and as such shall have power...13. To lease, sell, or dispose of any property (or any interest therein) whenever in the judgment of said board of supervisors, said property, or any interest therein or part thereof, is no longer required for the purposes of said district..."

The easement is not considered adverse to the LACFCD's purposes and will not hinder the use of the flood control channel for possible transportation, utility, or recreational corridors. Moreover, the Easement document will reserve paramount rights for LACFCD purposes.

The enclosed Easement document has been approved by County Counsel as to form and will be recorded.

ENVIRONMENTAL DOCUMENTATION

This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301(b) and Section 15305 of the CEQA guidelines and Class 1(e) and Class 5(a) of the Environmental Reporting Procedures and Guidelines adopted by your Board on November 17, 1987. These exemptions provide for the maintenance and minor alteration of existing utilities and the granting of easements to other local agencies to accomplish activities that are categorically exempt. The State of California Public Utilities Commission, Energy Division, is the lead agency for this project and found the project categorically exempt under CEQA.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

This action allows for the joint use of the LACFCD's right of way without interfering with the primary mission of the LACFCD.

CONCLUSION

Please return one adopted copy of this letter and the original executed Easement document to the Department of Public Works, Survey/Mapping & Property Management Division. Retain the duplicate for your files.

The Honorable Board of Supervisors

August 18, 2009

Page 4

Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER

Director

GF:SGS:hp

Enclosures

c: Auditor-Controller
(Accounting Division - Asset Management)
Chief Executive Office (Lari Sheehan)
County Counsel
Executive Office

ORIGINAL

RECORDING REQUESTED BY
AND MAIL TO:

The California State University
401 Golden Shore
Long Beach, CA 90802-421
Attention: Land Records, CPDC

Space Above This Line Reserved for Recorder's Use

THIS DOCUMENT IS EXEMPT FROM DOCUMENTARY TRANSFER TAX PURSUANT
TO SECTION 11922 OF THE REVENUE & TAXATION CODE.

Assessor's Identification Number:
8710-003-914 (Portion)

THIS DOCUMENT IS EXEMPT FROM RECORDING FEES PURSUANT TO SECTION
27383 OF THE GOVERNMENT CODE.

EASEMENT

For a valuable consideration, receipt of which is hereby acknowledged, the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, a body corporate and politic (hereinafter referred to as DISTRICT), does hereby grant to THE TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY, which is the State of California acting in its higher education capacity (hereinafter referred to as STATE), an easement for fiber optic conduit purposes in, on, under, and across the real property in the unincorporated territory of the County of Los Angeles, State of California, described in Exhibit A attached hereto and by this reference made a part hereof.

The easement, as described herein, shall be used for the installation of a fiber-optic cable to be installed, operated and maintained by Sunesys, LLC, a registered public utility with the California Public Utilities Commission, pursuant to D 06-06-047 (June 29, 2006), to provide regulated telecommunications service.

Subject to all matters of record and to the following reservation and conditions, which STATE by the acceptance of this Easement and/or the exercise of any of the rights granted herein, agrees to keep and perform, viz:

1. DISTRICT reserves the paramount right to use said land for flood control purposes.
2. STATE, by its acceptance of the easement, agrees that it and its officers, agents, and employees will not perform or arrange for the performance of any construction or reconstruction work in, on, under, and across the herein-described land until the plans and specifications for such construction or reconstruction work shall have first been submitted to and been approved in writing by the Chief Engineer of the Los Angeles County Flood Control District. Such approval by DISTRICT shall not be interpreted or inferred as an endorsement or approval as to the design, accuracy, correctness, or authenticity of the information shown on the submitted plans and specifications. Furthermore, such approval cannot be relied upon for any other purpose or by any third party for any reason whatsoever. DISTRICT does not accept ownership or responsibility for the improvements.

File with: SAN JOSE CREEK 8C 34-RW 31.2 S.D. 5 M0822015

3. STATE agrees that it shall indemnify and save harmless the DISTRICT, its officers, agents, and/or employees, from any and all liability, loss, or damage to which DISTRICT, its officers, agents, and employees may be subjected as the result of any act or omission by STATE, its officers, agents, or employees, arising out of the exercise by STATE, its officers, agents, or employees of any of the rights granted to it by this instrument.
4. It is expressly understood that DISTRICT will not be called upon to construct, repair, maintain, or reconstruct any structure or improvement to be erected or constructed pursuant to this Easement.
5. The provisions and agreements contained in this Easement shall be binding upon STATE, its successors, and assigns.

To the extent any lawful assessment be levied pertaining to the area to which this easement applies and to the extent that the assessment is based on the structures and improvements being constructed under the authority of this easement and provided further that the assessment be levied following the exercise of these easement rights by STATE, its officers, agents, and employees to construct such structures and improvements, STATE agrees to pay on behalf of DISTRICT that part of any such assessment levied against DISTRICT which is based on the value contributed to that area by such structures and improvements.

Dated 8-18-09



LOS ANGELES COUNTY FLOOD CONTROL DISTRICT,
a body corporate and politic

By Don Krabe
Chairman, Board of Supervisors of the
Los Angeles County Flood Control District

(LACFCD-SEAL)

ATTEST:

SACHI A. HAMAI, Executive Officer
of the Board of Supervisors
of the County of Los Angeles

By Lachelle Smitherman
Deputy

KR:bw
P:CONF:KR-E SAN JOSE8C 7708

NOTE: Acknowledgment form on reverse side.

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

On January 6, 1987, the Board of Supervisors for the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts adopted a resolution pursuant to Section 25103 of the Government Code that authorized the use of facsimile signatures of the Chairman of the Board on all papers, documents, or instruments requiring the Chairman's signature.

The undersigned hereby certifies that on this 18th day of August, 2009, the facsimile signature of DON KNABE, Chairman of the Board of Supervisors of the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, was affixed hereto as the official execution of this document. The undersigned further certifies that on this date a copy of the document was delivered to the Chairman of the Board of Supervisors of the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT.

In witness whereof, I have also hereunto set my hand and affixed my official seal the day and year above written.



SACHI A. HAMAI, Executive Officer
of the Board of Supervisors
of the County of Los Angeles

By Lachelle Ami Therman
Deputy

(LACFCD-SEAL)

APPROVED AS TO FORM

ROBERT E. KALUNIAN
Acting County Counsel

By Michelle L. Stone
Deputy

APPROVED as to title and execution,

_____, 20_____
DEPARTMENT OF PUBLIC WORKS
Mapping & Property Management Division

Supervising Title Examiner

By _____

CERTIFICATE OF ACCEPTANCE
OF INTEREST IN REAL PROPERTY

THIS IS TO CERTIFY that the interest in real property conveyed by Easement, dated _____ from _____ to the Trustees of The California State University, is hereby accepted by the undersigned officer on behalf of the Trustees of The California State University pursuant to authority conferred by Section 89048(a) of the California Education Code, Standing Orders of the Board of Trustees of The California State University, and authority delegated by the Chancellor to the undersigned.

ACCEPTED BY AND ON BEHALF OF THE BOARD OF TRUSTEES
OF THE CALIFORNIA STATE UNIVERSITY

By: _____

Elvyra F. San Juan
Assistant Vice Chancellor
Capital Planning, Design and Construction

Dated: _____

EXHIBIT A

File with: **SAN JOSE CREEK PARCEL 8**
34-RW 31.2
A.P.N. 8710-003-914 (portion)
T.G. 640(C2)
I.M. 129-337
S.D. 5
M0822015

LEGAL DESCRIPTION

(Grant of easement for fiber optic conduit purposes)

That portion of that certain parcel of land in the Rancho San Jose, as shown on map recorded in Book 2, pages 292 and 293, of Patents, in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles, described in Tax Deed to LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, recorded on March 24, 1987, as Document No. 87-435360, of Official Records, in the office of said Registrar-Recorder/County Clerk, within a strip of land 10.00 feet wide, lying 5.00 feet on each side of the following described centerline:

Beginning at a point in the northerly line of Lot 131, Tract No. 17802, as shown on map recorded in Book 456, pages 22 to 27, inclusives, of Maps, in the office of said Registrar-Recorder/County Clerk, said point being distant North 67°33'41" East 21.12 feet along said northerly line from the most westerly northwesterly corner of said Lot 131; thence North 53°27'08" West 67.20 feet to the northwesterly line of above-mentioned certain parcel of land.

The sidelines of the above-described 10-foot wide strip of land shall be prolonged or shortened at the beginning thereof so as to terminate in said northerly line and at the ending thereof so as to terminate in said northwesterly line.

Containing: 672 ± square feet

This real property description has been prepared in conformance with the Professional Land Surveyors Act. The signatory herein is exempt pursuant to Section 8726 of the California Business and Professions Code.

APPROVED AS TO DESCRIPTION

COUNTY OF LOS ANGELES

By _____
SUPERVISING CADASTRAL ENGINEER III
Mapping and Property Management Division